

Philip J. Berg, Esquire
Pennsylvania I.D. 9867
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Telephone: (610) 825-3134
E-mail: philjberg@gmail.com

Attorney in pro se and for Plaintiffs

Lisa Ostella and
Go Excel Global, Plaintiffs
c/o Philip J. Berg, Esquire
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531

Lisa Liberi, Plaintiff
c/o Philip J. Berg, Esquire
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA,
SOUTHERN DIVISION**

LISA LIBERI, et al,

Plaintiffs,

vs.

ORLY TAITZ, et al,

Defendants.

CIVIL ACTION NUMBER:

8:11-cv-00485-AG (AJW)

**PLAINTIFFS APPLICATION FOR
AN EX PARTE ORDER ON THEIR
MOTION FOR LEAVE TO FILE
THEIR FIRST AMENDED
COMPLAINT; AND FOR AN
ORDER THAT LEAVE MUST BE
GRANTED PRIOR TO THE
FILING OF ANY MOTIONS**

Date of Hearing: May 31, 2011
Time of Hearing: 10:00 a.m.
Location: Courtroom 10D

PLAINTIFFS APPLICATION FOR AN EX PARTE ORDER

COMES NOW Plaintiffs, Philip J. Berg, Esquire [hereinafter at times “Berg”]; Lisa Ostella [hereinafter at times “Ostella”]; Lisa Liberi [hereinafter at times “Liberi”]; Go Excel Global; and the Law Offices of Philip J. Berg and files the within Application for an Ex Parte Order on their Notice of Motion; Motion and Memorandum of Points and Authorities for Leave to file a First Amended Complaint; and for an Order that Leave must be Granted prior to the filing of any Motions filed concurrently herewith. In support hereof, Plaintiffs aver the following:

1. Plaintiffs hereby request an Ex Parte Order or in the alternative an Order shortening time for Defendants to Respond to Plaintiffs Motion Seeking Leave to file a First Amended Complaint; and an Order that Leave must be Granted by the Court prior to the filing of any Motions; and if the Court feels it necessary to have the matter heard on May 9, 2011 along with Defendants Motion to “terminate” Philip J. Berg, Esquire as Counsel for the Plaintiffs.

2. If this Court decides to Grant Plaintiffs an Order shortening time, in lieu of an Ex Parte Order, Plaintiffs are asking that Defendants Respond to their Motion on or before Wednesday, May 4, 2011; and Plaintiffs Reply thereto, if any,

1 to be filed on or before Friday, May 6, 2011, with the matter being heard on May
2 9, 2011 at 10:00 a.m., if the Court feels a Hearing is necessary.

3
4 3. It is Plaintiffs position that a Hearing is **not** required for an Order
5 Granting Leave for Plaintiffs to file their First Amended Complaint; and for an
6 Order requiring Leave of Court prior to the filing of any Motions. However, if this
7 Court feels a Hearing is necessary, Plaintiffs are requesting the Hearing date to be
8 moved up to May 9, 2011, as the parties will be present before the Court on
9 Defendant Taitz's Motion to "Terminate" Philip J. Berg, Esquire from representing
10 the Plaintiffs.
11

12
13 4. Not only are Plaintiffs' counsel having to fly into California for the
14 Hearings currently set for Defendant Taitz's Motion to "Terminate" Berg as
15 Counsel for the Plaintiffs; and this Court's June 6, 2011 Hearing on the Scheduling
16 Conference, Defendant Orly Taitz on behalf of herself and Defend our Freedoms
17 Foundations, Inc. have filed an Anti-SLAPP Motion and Motion to Dismiss
18 pursuant to *Fed. R. Civ. P.* 12(b)(1) and 12(b)(6). Although improper, as these
19 Motions have already been filed and adjudicated, a Court date is nevertheless set
20 for May 23, 2011. Further, Taitz's Motion was not properly noticed. As this Court
21 is aware, the filing of a First Amended Complaint moots any pending Motions to
22 Dismiss, including Anti-SLAPP Motions.
23
24
25
26
27
28

1 5. Good Cause exists for Plaintiffs Application for an Ex Parte Order to
2 be Granted; and for this Court to grant Plaintiffs Leave to file their First Amended
3 Complaint. The case was originally brought in Pennsylvania, and therefore is **not**
4 compliant with the California laws and/or rules.
5

6 3. This Motion is made following the conference of counsel, which took
7 place on April 27, 2011, pursuant to this Court's *L.R.* 7-3.
8

9 4. This Application; and the Memorandum of Points and Authorities in
10 Support hereof; Declaration of Philip J. Berg, Esquire; and upon records on file
11 with this Court and such further oral and/or documentary evidence that may be
12 presented at the time of the Hearing, if the Court finds a Hearing necessary.
13
14

15 5. No parties will be prejudiced by the Court's inherent power to grant the
16 Ex Parte relief requested.
17

18 6. For the reasons stated herein, and for Good Cause Shown, Plaintiffs
19 respectfully request this Court to grant their Application for an Ex Parte Order on
20 the Plaintiffs pending Motion for Leave to file their First Amended Complaint; and
21 for an Order that all parties must seek Leave prior to the filing of any Motions. In
22 the alternative, Plaintiffs are requesting this Court for an Order shortening time.
23

24 //
25 //
26 //
27 //
28 //

Respectfully submitted,

Dated: April 29, 2011

/s/ Philip J. Berg

Philip J. Berg, Esquire
Pennsylvania I.D. 9867
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531
Telephone: (610) 825-3134
E-mail: philjberg@gmail.com

Counsel for the Plaintiffs

Dated: April 29, 2011

/s/ Lisa Ostella

LISA OSTELLA, *Plaintiff*
c/o Philip J. Berg, Esquire
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531

Dated: April 29, 2011

/s/ Lisa Liberi

LISA LIBERI, *Plaintiff*
c/o Philip J. Berg, Esquire
LAW OFFICES OF PHILIP J. BERG
555 Andorra Glen Court, Suite 12
Lafayette Hill, PA 19444-2531